



CRP(MD).No.636 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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M.Valarmathy

... Petitioner

-Vs-

1.T.V. Sundaravadanam(died)
2.A.Murugaraj
3.B.Mohankumar
4.The District Registrar,
Department of Registration and Documents,
(old Address – Srinivasapuram),
New Address – New Collectorate Office Near,
Thanjavur – 613 010.

5.Dr.S.Venkatesh
6.S.Prabavathi
7.D.Anuradha

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 C.P.C against the fair and decreetal order, dated 07.01.2023 made in I.A.No.79 of 2018 in UFA.S.(CNR.No.TNTJ01 004015 2018) on the file of the Principal District Court, Thanjavur.



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For Petitioner : Mr.T. Antony Arulraj

ORDER

The petitioner has filed the present revision against the fair and decreetal order, dated 07.01.2023 made in I.A.No.79 of 2018 in UFA.S.(CNR.No.TNTJ01 004015 2018) on the file of the Principal District Court, Thanjavur.

2. The petitioner herein had filed a suit for declaration and for recovery of possession against the respondents herein on 20.09.2013 before the Sub Court, Thanjavur. Without the suit being numbered, it was rejected by the trial Court on the ground that the suit was time barred.

3. The case of the petitioner is that the trial Court committed an error in as much as the suit for declaration and recovery of possession has to be filed within 12 years from the date of possession. It is also submitted that the petitioner has initiated preliminary proceedings for land grabbing against the respondents. The petitioner filed an appeal before the Principal District Judge, Thanjavur in I.A.No.79 of 2018 to condone the



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delay of 1450 days in filing the appeal and the same was dismissed by the Principal District Judge in the fair and decreetal order dated, dated 07.01.2023.

4. I have heard the learned counsel appearing for the petitioner and perused the impugned fair and decreetal order passed by the Court below.

5. No doubt in the application filed by the petitioner before the Principal District Judge, Thanjavur, he has not clearly given a proper reason for condoning the delay of 1450 days in filing the appeal. Though the petitioner is not required to explain each days delay, nevertheless the petitioner has to explain the delay properly. It appears that the petitioner had paid a court fee and withdrawn the same before the trial Court. He has also working out a alternative remedy before the statutory authorities under the provisions and also initiated criminal proceedings and the First Information Report has also been registered against the respondents.

6. Considering the above, I am of the view that the order



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passed by the trial Court rejecting the application for condoning the delay cannot be interfered with. At the same time, it is open to the petitioner to workout his remedy in the criminal proceedings which has been initiated against the respondents for the alleged land grabbing.

7. Thus, this Civil Revision Petition is dismissed while referring all the rights of the petitioner to work out the remedy as the consequences of the criminal proceedings are initiated. No costs.

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Index : Yes / No
Internet : Yes/ No
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C.SARAVANAN,J.,

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